

**DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-00660-FDW**

RICHARD ALAN GADDIS, Jr.,)	
)	
Plaintiff,)	
)	
vs.)	
)	
)	
FNU BELK, et al.,)	
)	
Defendants.)	
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THIS MATTER is before the Court on periodic status review following the return as undeliverable of the Court's November 14, 2019 Order directing Plaintiff to notify the Court of his change in address within ten days [Doc. 17]. [Doc. 18].

Plaintiff's current address is reported on the docket report as Union County Jail, 3344 Presson Road, Monroe, North Carolina 28112. On June 17, 2019, the Court entered an Order holding that Plaintiff's allegations survived initial review against Defendant FNU Belk and requiring the Clerk to mail a summons form to Plaintiff to fill out and return to the Clerk for service of process on Defendant Belk. [Doc. 13]. On June 18, 2019, the Court received notice that this Court's Order was being returned as undeliverable to Plaintiff and that the Plaintiff was no longer in custody. [Doc. 14]. On November 14, 2019, the Court entered an Order directing Plaintiff that he shall have ten days in which to notify the Court of his change in address before the Court would dismiss Plaintiff's action for failure to prosecute. [Doc. 17]. On November 25, 2019, this Order was also returned to the Court as undeliverable. [Doc. 18].


A plaintiff has the obligation to notify the Court of an address change. Plaintiff has failed to notify the Court of his change in address, even after having been given notice that his action

would be dismissed if he failed to do so. Therefore, this action will be dismissed without prejudice for failure to prosecute. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail).

IT IS, THEREFORE, ORDERED that:

1. This action is dismissed without prejudice.
2. The Clerk is directed to terminate the case.

Signed: December 2, 2019


Frank D. Whitney
Chief United States District Judge 